

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

OSCAR EDUARDO SANTILLAN,

Plaintiff,

v.

MELVIN LONDON, WESTERN
EXPRESS, INC., NEW
HORIZONS LEASING, INC.,
FREEDOM SPECIALTY
INSURANCE COMPANY,
JOHN/JANE DOES, and JOHN
DOE ENTITIES,

Defendants.

CIVIL ACTION FILE
NO. ____

REMOVED FROM SUPERIOR
COURT OF BARTOW COUNTY
CAFN: SUCV2022000420

DEFENDANTS' NOTICE OF REMOVAL

COME NOW, Defendants Melvin London, Western Express, Inc., New Horizons Leasing, Inc., and Freedom Specialty Insurance Company and file this Notice of Removal to United States District Court, pursuant to 28 U.S.C. §§ 1441 and 1446, and show this Court as follows:

STATEMENT OF THE CASE & PROCEDURAL HISTORY

1. This action was commenced in the State Court of Bartow County, State of Georgia as Civil Action File No. SUCV2022000420, with the parties named and

aligned as stated in the caption of this document. Plaintiff's initial pleading commencing this action was filed with the Clerk of the State Court of Bartow County on March 29, 2022. A true and correct copy of Plaintiff's initial pleading is attached as "Exhibit A."

2. On July 6, 2022, Plaintiff served responses to Defendant's Request for Admissions wherein he admits for the first time that the amount in controversy exceeds \$75,000.00. (Exhibit "B"). This notice of removal is timely filed.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332

3. Subject-matter jurisdiction exists over this case under 28 U.S.C. § 1332.

4. Plaintiff Oscar Eduardo Santillan is a Georgia resident who resides in Bartow County, GA, and is subject to the jurisdiction of this Court. (Compl. ¶ 1).

5. Defendant Melvin London is a Tennessee citizen who resides in Clarksville, TN and is subject to the jurisdiction of this Court. (Compl. ¶ 2).

6. Defendant Western Express, Inc. is a Tennessee corporation, with its principal place of business in Tennessee. (Compl. ¶ 3).

7. Defendant New Horizons Leasing, Inc., while an improper party, is a Nevada corporation, with its principal place of business in Tennessee. (Compl. ¶ 4).

8. Defendant Freedom Specialty Insurance Company, while an improper party, is an Texas company with its principal place of business in Ohio. (Compl. ¶ 5).

9. On July 6, 2022, Plaintiff served responses to Defendant's Request for Admissions wherein he admits that the amount in controversy exceeds \$75,000.00. (Exhibit "B"). The amount in controversy exceeds \$75,000.00.

10. This Court, therefore, has original jurisdiction under 28 U.S.C. § 1332.

11. The United States District Court for the Northern District of Georgia, Rome Division, is the appropriate venue under 28 U.S.C. § 1441(a) because it is the district court and division embracing the place where this action is pending.

12. Defendants attach hereto a copy of the Summons and Complaint in Superior Court of Bartow County, State of Georgia, marked as Exhibit "A."

13. Defendants attach a copy of all pleadings which have been filed in the Superior Court of Bartow County as Exhibit "C."

14. Defendants attach hereto a copy of Defendants' Notice of Removal which has been sent for filing in the Superior Court of Bartow County, State of Georgia, marked as Exhibit "D".

WHEREFORE Defendants pray that this cause be removed to the United States District Court for the Northern District of Georgia, Rome Division, and that no further proceedings occur in the State Court of Bartow County, Georgia.

Respectfully submitted this 11th day of July, 2022.

HALL BOOTH SMITH, P.C.

/s/ Sean B. Cox

SCOTT H. MOULTON

Georgia State Bar No. 974237

SEAN B. COX

Georgia State Bar No. 664108

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Defendants Request

Trial By Jury

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **Defendants' Notice of Removal** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

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Linda G. Carpenter
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Respectfully submitted this 11th day of July, 2022.

HALL BOOTH SMITH, P.C.

/s/ Sean B. Cox

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